

## CHAPTER 5

### HEALTH AND SANITATION

#### Section 501. Solid Waste

In adopting this chapter it is the intent of the Council to preserve harmony and good order in the Town. It is designed to enhance the physical appearance of the Town and to promote, rather than to limit, the full use and enjoyment by all residents of their yards and gardens. It is not intended to proscribe activities or to dictate the manner in which each property is used so long as the activities and uses stay within the bounds of what is generally regarded as appropriate to a diverse residential community and a spirit of good-neighborliness.

(a) Definitions. For the purposes of this Section, the following words and phrases shall have the meaning respectively ascribed to them in this Section.

Solid Waste: All waste materials and debris, including, but not limited to: garbage, garden and other refuse; cans, bottles, waste paper and cardboard (except while being collected for recycling); rubble, debris from building construction; industrial waste, sludge; dead animals, bones; abandoned or non-functioning vehicles, machinery, auto parts & tires, appliances, furniture, recreation and other equipment (except items in process of or awaiting repair or renovation); ashes, leaves and sawdust (other than those retained for mulch, soil lightening or other gardening purposes).

Salvable Waste: All materials, not intended or not suitable for use "as is," that are being held for repair or renovation or for conversion into usable material including, but not limited to: used lumber or other used building material being cleaned, sorted or repaired for re-use; vehicles, machines, appliances, furniture, recreational and other equipment in process of or awaiting repair or renovation; cans, bottles, waste paper and cardboard being accumulated for delivery to a reprocessing facility; ashes, leaves, sawdust or similar materials being saved for garden use; tree trunks, limbs, branches and scrap lumber being saved for use in fireplaces or stoves.

Approved Container: Containers for refuse, ashes, or trash shall be sturdy, metal, or rigid plastic, watertight and equipped with handles and a tight fitting cover.

(b) The Council may license or contract with a contractor to collect and dispose of solid waste under such regulations as to charges and methods as it deems advisable.

(c) **Solid waste** It shall be unlawful for any person:

(1) To dispose of, dump, deposit, or leave any solid waste on public or private property, within the Town.

(2) To throw, dump or deposit any garbage or other solid waste upon the land or property of another or into the approved container(s) for storage of

solid waste owned, rented by or maintained by a collector on behalf of another without written consent first having been obtained from the owner or rightfully intended user thereof, or under the personal direction of such owner or rightfully intended user, or to throw, dump, or deposit any garbage or other solid waste upon any public highway or public property in the Town; however, nothing in this Subsection is intended to preclude a public-spirited resident of the Town or other person from placing in the private container of another small amounts of debris or other waste material found in the public ways of the Town.

(3) To store any solid waste within the Town, except as provided in this Section;

(4) To permit the accumulation of solid waste or to let any part thereof to be carried to or deposited on any street, sidewalk or other public place or another person's private property by the elements or by any other means. "Accumulate" shall mean to exist outside of an approved container for more than thirty days.

**(d) Salvable Waste**

(1) Items of salvable waste (as defined herein) being held for repair, renovation, removal or future use shall not be stored so that they are readily visible from the streets or public ways of the Town for more than thirty days, except that in unusual circumstances the period may be extended, at the discretion of the Code Enforcement Officer, to not more than ninety days. Visibility shall be determined by normal lines of sight, whether the material is stored in front, side or rear yards or upon decks or porches.

(2) Material being saved for gardening use (ashes, sawdust, etc.), if stored in containers or in suitable rear-yard containment areas (such as leaves in a compost pile), and stacked firewood that has been cut to usable lengths shall be exempt from the provision of Subsection (1) above.

**(e) Administration of Ordinance**

(1) This ordinance shall be administered by the Code Enforcement Official who shall have the authority to grant a waiver of the provisions of this Chapter when there are practical difficulties

undue hardships in carrying out the provisions of this ordinance or other bona fide reasons for granting such a waiver, provided that the spirit and intent of the law shall be observed and the public health, welfare and safety shall be protected. Any decision of the Code Enforcement Official, either to grant or deny a waiver request, may be appealed to the Council pursuant to the provisions set forth in Subsection (f).

(2) Notice of alleged violation of this ordinance may be addressed to the Council, in writing, by residents of Garrett Park. The notice, which should be delivered or mailed to the Clerk-Treasurer, shall give precise details of

the nature of the alleged violation, the date or dates of its occurrence, the name (if known) and address of the offending party. The notice must be signed and include the signer's address and telephone number.

**(f) Appeals from Orders and Decisions under this Ordinance**

The Council shall have full authority to hear testimony and to decide all appeals from decisions or orders of the Code Enforcement Official under this Ordinance. Any person who feels aggrieved by any decision or order of the official made under this Chapter may appeal to the Council at a regular meeting of the Council following such order or decision. Upon notice of and after hearing, the Council shall affirm, modify, or reverse the decision or order of the Code Enforcement Officer.

**(g) Penalty**

Any violation of any provisions of this Section shall be punishable as a municipal infraction. A violation will be occasioned by the failure of the owner or occupant to remove the offending material or rectify the offending situation within thirty days after formal notification by the Code Enforcement Officer or by whatever later date the Code Enforcement Officer may have set. Each day that a violation shall continue to exist shall constitute a separate offense. The penalty for the first day of the offense shall be \$50.00; for each succeeding day the offense continues, \$25.00.

**Section 502. Littering, Etc., Forbidden**

(a) It shall be unlawful for any person or corporation to knowingly or deliberately throw, cast, or deposit upon any street or public way or public property in the Town any ashes, sweepings, garbage, paper, handbills, bottles, trash, vegetable or animal matter of any nature whatsoever, or other types of litter or debris. Leaves deposited on the street, pending their removal as prescribed by Council are exceptions to this Section.

(b) It shall be unlawful for any person, or corporation to throw, cast, or deposit, or cause to be thrown, cast, or deposited in and upon any lot, or premises, whether the same be vacant or occupied, the contents of any privy-box, human excreta, filth, dead animals, putrescible matter, offensive fluids, or any refuse matter, or thing injurious and dangerous to public health.

(c) Violation of the Section is declared to be a municipal infraction. The penalty for each offense shall be \$25.00.

**Section 503. Sanitary Regulations**

(a) For the purpose of this Section, the word "dwelling" shall include every type of inhabitable structure or shelter, whether permanent or temporary, movable or fixed, and shall specifically include trailers and similar vehicles.

(b) No dwelling or premises shall be occupied by one or more persons unless:

(1) The dwelling or premises is provided with adequate plumbing sanitary facilities complying with all state, County and Town regulations; and

(2) The dwelling is connected with the water and sewer main of the Washington Suburban Sanitary Commission or other provision is made with the approval of the Mayor and Council. Provided, however, that dwellings or premises now occupied and otherwise provided with sewer facilities heretofore approved by the Mayor and Council shall be excepted from the provisions of this Section so long as the present facilities are in satisfactory working order and do not become unsanitary or a detriment to the health of the community.

(c) No person or persons, corporation or corporations, shall construct or maintain any cesspool, privy-sink, or other depository of filth within the corporate limits of the Town except as provided in Subsection (b).

(d) The violation of this Section shall be an infraction, punishable by a fine of \$50.

#### **Section 504. Single – Use Plastics**

(a) Straws:

(1) No restaurant, business, vendor, or special event organizer, shall sell, distribute, dispense, or otherwise provide a plastic straw, plastic stirrer, or plastic “splash stick,” except at the request of a customer or attendee who requires such plastic implement to accommodate a disability.

(2) This prohibition does not apply to beverages with an attached straw, prepared and packaged outside the Town, provided such beverage is not altered, packaged or repackaged within the Town.

(3) Straws which may be lawfully provided must be made of biodegradable material, such as paper or hay.

(4) The definition of biodegradable shall be: made of material capable of being broken down into innocuous products by the action of living things (such as microorganisms) including being marine-degradable in water within a one-year period.

Violation of the Section is declared to be a municipal infraction. The penalty for each offense shall be \$100.00